

RECEIVED

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 1

DEC 17 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

FILED

DEC 17 2008

DAVID CREWS, CLERK

By James D. Butler  
Deputy

Bobby Edward WALKER #04005  
Plaintiff

v.

CASE NO.

1:08CV292-A-D  
CRO2-92861

LEE County Sheriff Department  
Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Bobby Edward WALKER

B. Name under which sentenced:

Bobby Edward WALKER

C. Inmate identification number:

04005

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

510 North Commerce Street

Tupelo MS. 38801

E. Place of confinement:

Tupelo Lee County Adult Jail

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Jim H. Johnson

Title (Superintendent, Sheriff, etc.):

Sheriff

Defendant's mailing address (street or post office box number, city, state, ZIP)

510 North Commerce Street

Tupelo MS. 38801

Name: Tony Carleton  
 Title (Superintendent, Sheriff, etc.): Commissioner of Correction  
 Defendant's mailing address (street or post office box number, city, state, ZIP) 510 North Commerce Street  
Tupelo MS. 38801

Name: Dorothy McDaniel  
 Title (Superintendent, Sheriff, etc.): Lee County Jail Nurse  
 Defendant's mailing address (street or post office box number, city, state, ZIP) 510 North Commerce Street  
Tupelo MS. 38801

Name: Mr. Bridges, "refused to give first name"  
 Title (Superintendent, Sheriff, etc.): Sergeant  
 Defendant's mailing address (street or post office box number, city, state, ZIP) 510 North Commerce Street  
Tupelo MS. 38801

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): \_\_\_\_\_  
 Defendant(s): \_\_\_\_\_

B. Court: \_\_\_\_\_ C. Docket No.: \_\_\_\_\_  
 D. Judge's Name: \_\_\_\_\_ E. Date suit filed: \_\_\_\_\_  
 F. Date decided: \_\_\_\_\_ G. Result (affirmed, reversed, etc.): \_\_\_\_\_

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

Additional Names of Defendants, A continuation of Question 2.

Harold Caffin

Chris Nolden

Chief of Police

Shift Sergeant

City of Tupelo, MS, 38801

510 N. Commerce St.

Individually and in his official capacity.

Tupelo MS, 38801

Individually and in his official capacity.

Brian Hall

Former Lee County Jailor

Individually and in his official capacity.

Lee County Board of Supervisors Individually and in their official capacity.

(1) Phil Morgan

(4) Tammie Lee Ivy

P.O. Box 1785

P.O. Box 1785

Tupelo MS, 38802

Tupelo MS, 38802

(2) Bobby Smith

(5) Glenell (Glen) Weeks

P.O. Box 1785

P.O. Box 1785

Tupelo MS, 38802

Tupelo MS, 38802.

(3) Charles R. Duke

P.O. Box 1785

Tupelo MS, 38802

A. Does the grievance system place a limit on the time within which a grievance must be presented? ☒ Yes ☐ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed? ☒ Yes ☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

FROM: 9-27-06 UNTIL: 11-1-06 AND AGAIN ON: 2-1-07 UNTIL: 10-1-07. I SENT  
IN SEVERAL GRIEVANCE FORMS COMPLAINING ABOUT BEING SUBJECTED TO CRUEL AND  
UNUSUAL PUNISHMENT BY BEING LOCKED DOWN 21 HOURS A DAY EVERY DAY.  
I WAS NOT P.C. PROTECTED CUSTODY, NOR HAD I VIOLATED ANY RULE OR REGULATIONS.  
YET I WAS UNDER LOCK DOWN STATUS. STILL IS. I GAVE COMPLAINT FORMS TO SERGEANT  
BENSON SCOTT, SERGEANT KEITH KENNEDY, OFFICER BRENT LITTLE, OFFICER BRANDON SHAY  
OFFICER LARRY ESTEP, OFFICER BRANDON WARRENT AND OFFICER KNOX MCKELLIE  
AND OFFICER ARRON CHERIE, AND OFFICER ADAMS

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

11-24-08. I GAVE PAD CONTROL OFFICER ADAMS A GRIEVANCE FORM TO TURN  
IN FOR ME. I DIDN'T HEAR ANYTHING FOR SEVEN DAYS. SO 11-30-08. I  
ASKED HIM ABOUT IT. SAID HE COULDN'T REMEMBER THREE HOURS LATER, HE  
TOLD ME HE HAD FOUND THE COMPLAINT FORM. AND SO IT IS WITHIN THE LEE  
COUNTY JAIL GRIEVANCE PROCEDURE. YOU CAN SEND IN A COMPLAINT FORM  
BUT YOU WILL NEVER HEAR ANYTHING FROM IT.  
I USE AN ADDITIONAL SHEET OF PAPER AS A CONTINUATION OF QUESTION 7.  
IN IT I EXPLAIN THAT OFFICER ADAMS HAD ACCIDENTALLY LOST MY GRIEVANCE  
FORM AND ASKED HIM TO SIGN IT, HE REFUSED.

## A CONTINUATION OF QUESTION 7.

11-24-08, I gave a pod Control Officer a grievance form to turn in for me, requesting Medical treatment and to be Moved to another pod. I asked the Officer about it Seven days later, 11-30-08. Several hours later he told me that he had Found the Complaint Form, it was Never turned in, and so it's with the Lee County grievance procedures, you can turn them in but that's as far as it goes.

The pod Control Officer Name is Adams, I asked him to sign this but he Refused.

---

POD CONTROL OFFICER

---

DATE

Bobby Walker #04005

11-30-08

PLAINTIFF

DATE

Sergeant Bridges

Officer Covington

Officer Herbert, David

Officer Adams,

NONE OF these OFFICERS would give me their First Name, I am Filing a Motion TO Compel Production OF Jail Records and other documents, I will have their Names.



**Special Note:** Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

IF you don't believe that the Lee County jail grievance procedure is a joke ON the prisoners here. Place a U.S. Marshal in here AS A prisoner and See For yourself.

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

7-31-02, I was arrested and locked up in the Lee County jail D-pod, which house 24 Men. I was 49 years old and suffering depression around the 8-7-02 I sent in a Medical request Form. I talked to Nurse Dorothy McDaniell I told her that I was suffering depression, that I was nervous and stress out from being in close confinement with so many people with all the loud noise and voices, at that time Mrs. Brownleaf from Region Three Mental Health was there Region Three treat Lee County prisoners. I talked with Mrs. Brownleaf, she set up an appointment for me to see a doctor at Region Three. Mrs. Brownleaf asked me would it help if I was put in a pod with less people and less noise. Mrs. Brownleaf asked Nurse McDaniell could she move me to a quieter pod Nurse McDaniell moved me to F-pod, a lock down pod use for locking down Rule Violators and to houses protected custody prisoners, but I wasn't locked down, about a week later I was taken to Region Three Mental Health. From the jail, I talked to Dr. Golf, I described to him the symptoms that I was experiencing, Dr. Golf asked me had I ever tried to commit suicide, I told him that I have never been violent or suicidal.

## A CONTINUATIONS OF QUESTION 9. (1)

There is no record anywhere that will show that I been a threat to myself or to others. Dr. Golf diagnosed me with depression and prescribed Lexapro for me. About two months later I saw Dr. Golf again. From the jail, he asked me if I felt any change. I told him I couldn't tell, he said he was going to give me something else which I later found out was Risperdol. I was housed in F-pod from 8-15-02 until 2-1-06, but I was never under lockdown status. I had the same privileges as prisoners in the other pods. I took the medication for almost four years while in jail. I was released from jail on probation the 2-1-06. I was no longer treated by Region Three. 9-21-06, I was arrested for violating my probation. I was put back in F-pod but this time under lockdown status. I was locked down 24 hours a day every day from 9-27-06 until 11-1-06 and denied freedom of religion the whole time. Around June 1, 2007, I was arrested again on the charge of which I had violated my probation the first time. I was locked down in F-pod again 24 hours a day for five months, from 6-1-07 until 11-1-07, and again denied freedom of religion. I got tired of being locked down 24 hours a day and request to be moved to another pod. When Officer Brent Little refused to move me, I refused to go back in my cell. Officer Little left to go and talk to a higher rank officer. He came back with Officer Brandon Shay and Officer Brandon Warrent. Officer Little told me that Nurse McDaniels said that I was paranoid schizophrenia and had to stay in F-pod, under lockdown status. I was later released from jail and arrested again the 6-13-08 for violating my probation again. I was arrested in Alcorn County, The Miss. Dept. of Corrections transferred me back to the Lee County jail. 11-21-08, I was locked in a holding cell with six other prisoners for ten hours. Shift Sergeant Chris Nolden had Officer Pearce take me out of the holding cell and locked me down in F-pod under lockdown status. Sunday morning, 11-23-08, after being locked down the first 24 hours I refused to go back in my cell. Sergeant Bridges came in the pod. I asked him to move me to another pod but he wouldn't do it. I asked to talk to a



## A CONTINUATIONS OF Question 9. (2)

high ranking Officer, that made him mad. he said I had better get in My Cell. I asked to be Moved to another pod, Sergeant Bridges grabbed My arm, Spun Me around, I lost My balance and that incited him to grabbed Me around My Waist and Slammed Me to the Floor Face down, he placed one of his knees in My back, placed his arm under My chin locking it around My Neck and Choked Me until I lost Consciousness. When I Came to, I was laying Face down in My Cell, there were blood on the Floor from My Nose and My upper lip was bleeding and Swelling. I Could hardly breathe, I Couldn't talk or Swallow at all, the left Side of My Face all the way down to My left leg Felt like it was paralyzed. I Manage to pull Myself over to the Cell door and into a sitting position where I was able to reach up and push the panic button on the door, I lost Conscious several times while sitting there, I Came to once after the Shift had Changed. I heard Officer Pearce talking on the radio to Shift Sergeant Chris Nolden about Me being passed out on the Floor and him Not being able to get any kind of response from Me. I heard Sergeant Chris Nolden tell Officer Pearce to tell Me that I Wasn't going to the hospital that I Could just lay there, that he didn't Care. Sometime later I got Very Cold so I Crawl to My bed and pulled Myself upon it, the inside of My Mouth kept building up lots of Saliva and with My throat Swollen and in the shape that it was. Swallowing was impossible so I had to lay on My Stomach with My head hanging off the bed to let the Saliva drip from My Mouth onto the Floor. Officer Herbert Came through that Night, I tried to tell him that I believed I had had a Stroke and Needed Medical treatment, he left but he Never Came back. I Sent in a Medical request Form: 11-24-08 and again 11-30-08. I'll Send in another around the 12-4-08. I have NO way of getting Copies of the Forms so I will have to Come up with another way to show that I have been seeking Medical treatment. I have been doing the Same with the grievance procedure, Complaining about being Moved to another pod, there is no reason that I should be under lock down status of Refused Medical treatment and religious services.



### A CONTINUATIONS OF QUESTION 9(3)

Plaintiff Bobby Edward Walker, Cause No. CR02 982, Was Incarcerated in the Lee County Jail From 7-27-02, Until 2-1-06. Through his Attorney Will Bristow, Plaintiff Filed a Motion For a Psychiatric Examination For the Plaintiff 8-20-03. Ordered, Adjudged, And Decree, that the Lee County Sheriff Shall transport Bobby Edward Walker, to the Miss. State Hospital, For purposes of a thorough examination. Filed Aug. 20, 2003. Circuit Clerk Joyce R. Loftin. Those Officials acted with deliberated indifference by refusing to transport me to a Court ordered appointment, and Failed to Notify Me of the Court Order Violating a declaratory decree and Miss. Code ANN § 41-1-57; 47-1-59. by Failing to get Me to My Court Ordered appointment. The Plaintiff is Seeking relief in Compensory damages in the amount of \$ 500,000 From each defendant and punitive damages in the amount of \$ 500,000 From each defendant.

Between 6-1-07 and 11-1-07, I Sent in Several Medical Sick Call Forms requesting Medical treatment For open Sores, Scaling and itchy Skin, and to be treated For Athlete Foot.

After several days of Waiting, I Finally Saw a doctor, this doctor said he Would Send Me Some Cream For the open Sores and itchy Skin, "but I Never got the Cream."

The doctor told Me that I Could buy Athlete Foot Care Off Commissary, I told him that I did not have Commissary Money, but he Still Wouldn't prescribed anything For Me.

"Lee County jail Charge ten dollars For Sick Call Visit" In the Meantime, the open Sores itchy Scaling Skin symptoms became Worse as did the Athlete Feet, about ten days later I Sent in another Sick Call Form but around the 10-25-07, I was released From jail.

I Start Working and bought Over the Counter Medications but it didn't help.

Nov. 25-2007, 09:30 I Checked into the North Miss. Medical Center, I was treated by Robert Kirksey MD. Dr. Kirksey diagnosed Me with Tinea Cruris, a Fungal infection that had gotten Worse because I Couldn't get earlier treatment For it From the Lee County jail doctors.

Whereas, The Lee County Jail is Where I got the Fungal infections. Dr. Kirksey Said that the infections are spread between people by sharing Unclean towels, underwear and prison uniforms. The Athlete Feet got So bad I Couldn't Work even though I had

## A Continuation of Question 9(4)

bought all kinds of athlete food products, 4-18-08, I went to the Good Samaritan Health Services Inc. P.O. Box 1821 Tupelo Ms. 38802, The Doctor there, Dr. B. Jones diagnosed me with extremely bad athlete foot (L) 5th toe & scapula's that's infected. and plaster wart (R) foot, A Lee County jail Doctor that I saw for the wart tried to burn and dig the wart out of my foot, the wart came back even worse, I saw the Doctor twice for the wart and each time it got worse. Dr. Jones of the Good Samaritan Clinic made an appointment for me at the NMNC Longtown Foot Clinic, 43815. Eason Blvd. For April 29, 2008, 10:45 AM where I received foot therapy by Physical therapist Shay Hall. as a out patient for three weeks, I have my medical records, The athlete foot came from E-pod's filthy showers that always have standing water, and there's standing water around the toilet area in E-pod's day room where we have to use the toilet during the day when the pod officer's let us out of our cells for our three hours, ever morning before breakfast, an officer will bring a broom, mop and mop bucket and toilet bowl cleaner in to E-pod and the stuff just sit there until after breakfast, and they take it back out. One or two cells might get cleaned. I have asked them repeatedly to let me out to clean the showers and day room but they won't do it. that would be to much like right.

Those officials in their official and individual capacities has failed to provide prisoners with sufficient medical aid. The prisoner's uniforms are passed out filthy and smelly. and the bed linen is inadequate, both towels and face towels are unsanitary and passes different kinds of fungus and infections that appears on our faces and other parts of the body and the hygienic items are inadequate, The Down Mist Antiperspirant deodorant is no good purified water like it says on the label. The one roll of toilet paper don't last until the next is passed out. The toothbrush is inadequate and cause prisoner's gum to bleed, The 0.85 oz toothpaste is no good and doesn't last until the next is passed out, Razors are passed out once a week, hairs will grow back into the skin causing hair bumps that gets infected. and there is something that is very wrong with the food, The food causes constant constipation, you are constipated all day, every day.

A CONTINUATIONS OF QUESTION 9. (5).

There is not enough Fresh Vegetables, and absolutely NO Fruits at all to help Supplement the diet, Lee County jail no longer Meet the base Minimum Standards for housing human beings, prisoners housed in F-pod are refused yard calls and denied Freedom of Religion.

Plaintiff request injunctive relief and an Order to the Tupelo Chief of Police.

The Lee County Sheriff Dept. and the Lee County Board of Supervisors, to take immediate action to provide Sufficient Medical aid, adequate Hygiene items, Clean and Fresh prison uniforms, adequate Clean towels and Face towels, Clean and adequate bed Mats and bed linen, Freedom to attend religious Services and yard calls, better Food, "because there's Something Wrong with the Food," Fresh Vegetables and put Fruit on the Menu.

It's in the Lee County Jail Consent Decree, The Lee County Jail Officials has Violated Miss. Code Ann § 47-1-57, Supp. 1997: 47-1-59 (Supp. 1993) and 42 USC § 1983.

Plaintiff request Compensatory damages in the amount of \$ 500,000 From each defendant and punitive damages in the amount of \$ 500,000 From each defendant.

For keeping Plaintiff under lock down Status with no legal reason to do so, Causing bodily injury to Plaintiff and refusing the Plaintiff Medical treatment, and for refusing Plaintiff Freedom to attend religious Services and other rights and privileges, for inconvenience, emotional pain, as well as physical pain and suffering and Mental anguish,

Plaintiff request Compensatory damages in the amount of \$ 500,000 From each defendant and for punitive damages in the amount of \$ 1 Million From each defendant.

Sergeant M. Bridges used unnecessary Excessive Force, I did Not resist or Fight back, yet While I was down he choked Me until I lost Consciousness, I also believe I had a lite Stroke, My injury occurred 11-23-08, I didn't see a doctor until 12-3-08. I saw Dr. Nate Colliers, I requested to be checked for Signs of a Stroke and for Neck X-Rays, I saw another doctor a week later and Made the same request but it has not happen So Far.



I have Never been diagnose as paranoid Schizophrenia or treated For the SickneSS, I have Never been Suicidal or Violent toward Others, I have Never taken anti-psychotic drugs

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

For keeping Plaintiff under lock down status with No legal reason to do so  
 Causing body injury to the Plaintiff and refusing the Plaintiff Medical  
 treatment and religious Services and other rights and privileges,  
 For unnecessary inconvenience, emotional pain as well as physical pain  
 and suffering and mental anguish, Plaintiff request Compensatory damages  
 in the amount of \$500,000 From each defendant and For punitive damages  
 in the amount of \$1 Million From each defendant.  
 Plaintiff seek Attorney Fees award, under Civil Rights Attorney  
 Fee Award Act 42 USC §1988 and under this Section 1988 [FNU]  
 and based on an hourly rate established under Section 3006A of Title  
 18 For Court appointed Counsel.

This Complaint was executed at (location): Tupelo, Lee County Adult Jail  
 and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 12-2-08

Benny Walker  
 Plaintiff's Signature